

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

HOSPIRA, INC.)	
)	
Plaintiff,)	
)	C.A. No. 16-cv-651
v.)	C.A. No. 17-cv-7903
)	
FRESENIUS KABI USA, LLC)	Hon. Judge Rebecca R. Pallmeyer
)	
Defendant.)	

JOINT MOTION TO ENTER STIPULATION

Plaintiff Hospira, Inc. and Defendant Fresenius Kabi USA, LLC (“the parties”) respectfully request that the Court enter the attached Joint Stipulation regarding infringement and modifications to the case schedule. In support of this Motion, the parties state:

1. On January 4, 2018, the Court entered a Revised Scheduling Order that set deadlines for, among other things, Fresenius Kabi’s invalidity contentions, Hospira’s responses thereto, expert discovery, and a final pre-trial order. (Case No. 17-7903, D.I. 23.)
2. On January 5, 2018, Fresenius Kabi served its Amended Final Invalidity Contentions.
3. On January 16, 2018, following discussions with Fresenius Kabi about Hospira’s objections to the contentions, Hospira moved to strike certain theories raised in Fresenius Kabi’s Amended Final Contentions. (D.I. 81.) In the alternative, Hospira requested that the case schedule be extended to allow Hospira time to investigate those theories.
4. As discussed at the January 25, 2018, status hearing, the parties have reached an agreement to resolve the dispute set forth in Hospira’s Motion to Strike. The details of the parties’ agreement is set forth in the attached Joint Stipulation.

WHEREFORE, the parties request that the Court enter the Stipulation attached as Exhibit

A.

Dated: January 26, 2018

Respectfully submitted,

/s/ Bradford P. Lyerla

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CERTIFICATE OF SERVICE

I, Yusuf Esat, an attorney at the law firm of Jenner & Block LLP, hereby certify that on January 26, 2018, I caused a true and correct copy of the foregoing **JOINT MOTION TO ENTER STIPULATION** to be electronically served on counsel of record via the Court's CM/ECF system.

/s/ Yusuf Esat
Yusuf Esat

Exhibit A

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v.)	C.A. No. 17-cv-7903
)	
FRESENIUS KABI USA, LLC)	Hon. Judge Rebecca R. Pallmeyer
)	
Defendant.)	

[PROPOSED] JOINT STIPULATION

This stipulation is made by and between Plaintiff Hospira, Inc. (“Hospira”) and Defendant Fresenius Kabi USA, LLC (“Fresenius Kabi”).

WHEREAS, on January 15, 2016, Hospira filed a Complaint against Fresenius Kabi for infringement of U.S. Patent Nos. 8,242,158; 8,338,470; 8,455,527; and 8,648,106, captioned *Hospira, Inc. v. Fresenius Kabi USA, LLC*, C.A. No. 16-cv-651 (“the First Action”), related to Fresenius Kabi’s submission of Amended New Drug Application No. 208129 (“ANDA 208129”) to the Food and Drug Administration seeking approval to market dexmedetomidine hydrochloride for injection, 80 mcg/20 mL, 200 mcg/50 mL, and 400 mcg/100 mL (“Fresenius Kabi’s Proposed ANDA Products”);

WHEREAS, on November 1, 2017, Hospira filed a Complaint against Fresenius Kabi for infringement of later-issued U.S. Patent No. 9,616,049, captioned *Hospira, Inc. v. Fresenius Kabi USA, LLC*, C.A. No. 17-cv-7903 (“the Second Action”), related to Fresenius Kabi’s submission of ANDA 208129 to the Food and Drug Administration seeking approval to market Fresenius Kabi’s Proposed ANDA Products;

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